REMARKS/ARGUMENTS

Claims 1-10 and 12-29 are presented for the Examiner's consideration. Claim 11 has been cancelled.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed November 28, 2003, the Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

The Examiner stated that "it would not be clear to one of ordinary skill in the art as to how to effectively use a foam having a substantially closed-cell surface for fluid absorption and transport." Applicants respectfully note that the term "substantially" as used in claim 8 does not necessarily mean "completely." For example, a "substantially" closed-cell surface may still allow fluids to pass through to an open-celled interior of the present invention. In support, Applicants respectfully direct the Examiner's attention to Example 7 of the specification which teaches that drying with a desiccant can have the effect of closing the bubbles at the surface of the foam while maintaining the highly porous, open-celled foam structure in the interior of the sheet, creating a skin-like surface on the outside of the sheet to provide a product with differential ***wetting***. (pg. 32, lines 18-22, emphasis added). In further support, the test results presented in Table 7 relate to this embodiment and exhibit a difference between wet and dry stretch, and wet and dry tensile. Therefore, this evidences that fluid is introduced into the sample during such testing in order for these differences to occur. For at least these reasons, Applicants respectfully assert that one of ordinary skill in the art would understand that a foam as claimed could be wettable and possess the ability to absorb and transport.

The Examiner has also stated that "it is believed that a sponge formed of carbohydrate foam is inherently an open-celled foam." Applicant's respectfully direct the Examiner's attention to the specification which teaches that drying with a desiccant can ***have the effect of closing the***

bubbles at the surface of the foam while maintaining the highly porous, open-celled foam structure in the interior of the sheet, creating a skin-like surface on the outside of the sheet to provide a product with differential wetting. (pg. 32, lines 18-22, emphasis added).

For at least the reasons stated above, it is respectfully submitted that presently presented claim 8 is in form for allowance.

By way of the Office Action mailed November 28, 2003, the Examiner rejected claims 1 – 29 under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Battista et al. Patent Number US 3954493. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

The Examiner alleges that "Battista et al. teach that it is well known that regenerated cellulose sponges are formed from a mixture of viscose, reinforcing fibers such as linen, jute, cotton, regenerated cellulose fibers and the like" and that "Battista et al. also teach that it is known art that regenerated cellulose sponges are adapted for use as topical wound dressings, feminine hygiene devices, etc." The Examiner further alleges that "the product by process limitations have not been shown on the record to produce a patentably distinct article" from that taught in Battista et al.

Applicants have amended claim 1 to add the phrase "zinc chloride." Claim 11 has been cancelled, claims 12 and 13 have been amended to depend from claim 1, and claim 22 has been amended to conform to amended claim 1. As amended, the rejection based on Battista et al. has been overcome. For example, Battista et al. teach that regenerated sponges are formed from a mixture of viscose. (col. 1, lines 15-16). Battista et al. further teach that the viscose solution of viscose contains cellulose, reinforcing fibers, and an inorganic pore forming salt, and that the final pore size will be dependent upon the size of the pore forming inorganic salt crystals. (col. 1, lines 24-30). In contrast, Applicants claim, *inter alia*, a foam produced by at least partially dissolving a carbohydrate in a zinc chloride solution, and further introducing a gas to produce the pores. Applicants respectfully direct the Examiner's attention to Applicants' disclosure. In particular, Applicants disclose that pore forming salts, such as those taught in the Battista et al. reference, create difficulty in controlling the pore size and the density of the resulting product. (pg. 4, lines 1-

2). Applicants further disclose that foam products made according to the viscose process "undergo considerable shrinkage and may become unevenly deformed and compacted during drying, making it difficult to obtain a low density foam with a uniform pore structure on a continuous basis." In contrast to the viscose process foams as disclosed in Battista et al. and distinguished in Applicants' disclosure, Applicants' foam products have a controllable pore size and connectedness. (pg. 8, line 15, and pg. 9, line 18). Additionally, different types of foam products can be created by varying the components or processing steps of Applicants' invention, such as beating method, blow ratio, and drying method. (pg. 22, lines 5-11). Therefore, Applicants respectfully submit that the claims as now presented are not obvious in light of Battista et al.

For at least the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-4405.

Respectfully submitted,
REEVES ET AL.

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CERTIFICATE OF MAILING

I, Lanette Burton, hereby certify that on March 1, 2004, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Lanette Burton
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